

Commissioners Court Harris County, Texas

Policy and Procedures for Acceptance of Donations of Food or Water

I. Purpose:

The Harris County Commissioners Court is authorized under Section 81.032 of the Texas Local Government Code to accept donations of food or water for the purposes of performing a county function.¹

II. Scope:

This policy provides guidelines for parties interested in donating food or water to Harris County and Commissioners Court acceptance of the donations. This policy is to ensure that donations of food or water comply strictly with Local law, State law, Federal law, and County policy objectives for the safety of Harris County residents.

III. Requirements for Donations:

- A. Donations of food or water from any source shall not exceed Two-Thousand, Five-Hundred Dollars (\$2,500.00) per calendar year.
- B. All donations of food or water shall comply with Local, County, State, and Federal agriculture and health laws and rules.²
- C. Donations of canned and packaged items shall only be accepted if in their original, undamaged packaging, including an expiration date no less than six (6) months from the date of donation.
- D. Donated foods shall be labeled with the name of the food, the source of the food, and the date of preparation.
- E. Donated foods shall not exceed the shelf life provided by the expiration date on the packaging label.
- F. Heavily rim or seam-dented canned foods, or packaged food without the manufacturer's complete labeling shall not be donated.
- G. Foods that have been subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, or prolonged storage shall not be donated.
- H. Food previously served to a consumer shall not be donated.

¹ Tex. Loc. Gov't Code Ann. § 81.032

² 25 TAC § 228.83

- I. Water that is not sealed in bottles, packages, or other containers shall not be donated.
- J. Donations of produce and fresh/frozen items shall only be accepted if kept under constant refrigeration or frozen. Produce and fresh items must have an expiration date of at least ten days from the date of donation. Home grown items shall only be accepted if the pick date is provided.
- K. Homemade prepared foods such as cooked meals, prepared salads, casseroles, starches, cooked vegetables, pies, cakes, cookies, and similar items, shall not be donated.
- L. Food from Central Preparation Facilities, Food Establishments, Food Processing Plants, Mobile Food Units, or other License and/or Permit Holders, as defined by 25 Texas Administrative Code § 228.2, shall not be donated unless the donor has complied with the requirements of 25 TAC Chapter 228.
- M. Food is apparently wholesome if the food meets all quality standards of Local, County, State, and Federal agricultural and health laws and rules.³

IV. Donation Procedures:

- A. The County Judge's Office shall accept donations of food or water.
- B. The County Judge's Office, in its sole discretion, shall reject a donation if the County Judge's Office determines that the donation fails to comply with Section III above.
- C. Commissioners Court shall ratify acceptance of the donation on the next regular meeting agenda for Commissioners Court.
- D. The County Judge may delegate any, or all responsibilities under this Policy to a County Commissioner or County Commissioner's Office.

V. Liability for Donation of Food⁴

- A. To the extent authorized or allowed by law, Donors under this Policy agree to indemnify and hold harmless the County for any and all damages, penalties, assessments, taxes, or expenses that may be incurred by County as a result of any Donation under this Policy.

³ Tex. Civ. Prac. & Rem. Code Ann. § 76.003

⁴ Tex. Civ. Prac. & Rem. Code Ann. § 76.004

- B. In accordance with Tex. Civ. Prac. & Rem. Code Ann. § 76.003, Harris County shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food that the County, in turn, donates in good faith to a church, not-for-profit or nonprofit organization if the food is apparently wholesome at the time of donation.